

United States Bankruptcy Court  
District Of Massachusetts  
Eastern Division

In Re:

Shawn Lynch, and  
Gina Lynch.  
Debtors

Case No. 13-16018 FJB

Chapter: 13

OBJECTION TO ALLOWANCE OF CLAIM BY CITIZENS BANK, CLAIM NO. 1

**NOW COME** Shawn Lynch and Gina Lynch, by and through their attorney Robert W. Kovacs, Jr., pursuant to Rule 3007 respectfully objects to allowance of the claim filed by The Citizens Bank, (herein in after “Citizens”) claim no. 1, in the above referenced matter. In support thereof Debtors state as follows:

1. On October 14, 2013, this case was commenced by filing a petition under Chapter 13 of Title 11 of the United States Code.
2. Confirmation of Debtors' Plan is pending and the §341 meeting was held as scheduled on November 20, 2013.
3. Debtors object to the Proof of Claim filed by Citizens, claim number 1, in as much as it indicates a secured amount in Section No. 4 of said Proof of Claim.
4. Debtors’ own real estate located at 22 Webster Drive, Holliston, MA, which Citizens alleges to have a security interest in.
5. Debtors have scheduled the value of the property alleged to be securing this disputed claim in the amount of \$237,700.
6. Citizens Bank, per their proof of claim, has valued the property at \$215,000.

7. Debtors' value was determined by way of a formal Broker's Price Opinion, which is attached to this motion as Exhibit 1 and by reference made part of this objection.
8. The property alleged to be securing this disputed claim is subject to a first mortgage to Nation Star Mortgage in the amount of \$297,220.05 as shown on the claim filed by Nation Star, claim no. 11. The first mortgage held by Nation Star is superior to the second mortgage held by Citizens.
9. As such, Debtors assert there is no value in the collateral to which Citizens could have an allowed secured claim.
10. Pursuant to 11 U.S.C 506(a) claimant does not have a secured claim but rather an unsecured claim and should receive a pro-rata distribution of plan payments with other creditors of this class.

**WHEREFORE**, Debtors pray this Court;

- a) Sustain this objection to this claim;
- b) Disallow the claim to the extent it indicates that it is secured by Debtors' real property;
- c) Allow the claim to be paid as an unsecured through this bankruptcy; and
- d) Debtors are given such other relief that the Court deems proper.

Dated: March 10, 2014

Respectfully Submitted by,  
Shawn Lynch and Gina Lynch  
Through their Attorney

/s/ Robert W. Kovacs, Jr.  
Robert W. Kovacs, Jr.  
Attorney for the Debtor  
Bar No.: 671497  
Law Office of Robert W. Kovacs, Jr.  
172 Shrewsbury Street  
Worcester, MA 01604  
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United States Bankruptcy Court  
District Of Massachusetts  
Eastern Division

In Re:	)		
Shawn Lynch, and	)	Case No.	13-16018 FJB
Gina Lynch.	)		
Debtors	)	Chapter:	13
	)		
	)		

**Certificate of Service**

I hereby certify that on March 10, 2014 I electronically served the above

- OBJECTION TO ALLOWANCE OF CLAIM BY CITIZENS BANK, CLAIM NO. 1
- NOTICE TO CLAIMANT REGARDING OBJECTION TO ALLOWANCE OF CLAIM BY CITIZENS BANK, CLAIM NO. 1

Via the CM/ECF System of the United States Bankruptcy Court for the District of Massachusetts upon

- United States Trustee;
- Standing Trustee;
- Carl D. Aframe for Barbara Lynch;
- Jason Giguere for Nationstar Mortgage LLC
- Robert P Jachowicz for Metrowest Community Federal Credit Union
- Richard T. Mulligan for Nationstar Mortgage LLC
- Timothy Larson for Ocwen Loan Servicing, LLC

**Manual Notice List**

I further certify that I served a copy of the same by first class mail, postage prepaid, on the non CM/EFC participants listed below:

**Gina Lynch**  
**Shawn Lynch**  
22 Webster Drive  
Holliston, MA 01746

Citizens Bank  
443 Jefferson Boulevard RJW-135  
Warwick, RI 02886

Date: March 10, 2014

By:

/s/ Robert W. Kovacs, Jr.  
Robert W. Kovacs, Jr.

United States Bankruptcy Court  
District Of Massachusetts  
Eastern Division

In Re:

Shawn Lynch, and  
Gina Lynch.  
Debtors

Case No. 13-16018 FJB

Chapter: 13

NOTICE TO CLAIMANT REGARDING OBJECTION TO ALLOWANCE OF CLAIM BY  
CITIZENS BANK, CLAIM NO. 1

An objection to your claim in the above referenced case has been filed.

Please be advised that under the Massachusetts Local Bankruptcy Rule 3007-1 and Standing Order 10-1 that:

**“A response to the objection must be filed within 30 days from the filing of the objection with the Court.”** (see Standing Order 10-1)

“A claimant who does not file a timely response to a properly served objection to claim will be deemed to have agreed that the objection to claim may be sustained. The Court, in its discretion, may cancel the hearing on any properly served objection to claim to which a timely response has not been filed and may sustain the objection to claim without further notice or hearing.” (See Local Bankruptcy Rule 3007-1(c))

Date: March 10, 2014

Respectfully submitted,

/s/ Robert W. Kovacs, Jr.  
Robert W. Kovacs, Jr.  
BBO# 671497

Law Office of Robert W. Kovacs, Jr.  
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(508) 926 - 8833

EXHIBIT 1

**RE/MAX**



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sm

August 7, 2013

Shawn Lynch  
22 Webster Drive  
Holliston, MA 01746

RE: Property located at 22 Webster Drive, Holliston, MA 017467

Dear Shawn,

The subject property is a Ranch style home consisting of 960 sq. ft. of living space. There are 5 rooms featuring 3 bedrooms, an eat-in kitchen, living room and 1 full bath. A 1-car garage and 3-season sunroom are off the side and back of the home as well as a back deck from the kitchen area. The basement is full with a bulkhead leading to the backyard.

The home is in average condition with some updates having been done, but more work is needed. It is located in a neighborhood and has a nice level lot consisting of 21,344 sq. ft.

The Town assessment for fiscal year 2013 is \$237,700. Taxes are approximately \$4,426.00. It is more fully described at the Middlesex Registry of Deeds Book 47238, Page 476.

Based upon sales of comparable properties in the area, it is my professional opinion that the Fair Market Value as of today is \$250,000.

If you have any questions regarding this information, please don't hesitate to call.

Sincerely,

Lynn Rossini  
Broker Associate

**RE/MAX**

Executive Realty  
404 Washington Street  
Holliston, MA 01746  
Office: 508-429-6767  
Fax: 508-429-2449

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